

STATEMENT OF INTRODUCTION
 REP. EDWARD J. MARKEY
 NATIONAL AMUSEMENT PARK RIDE SAFETY ACT OF 1999
 October 6, 1999

Mr. Speaker, today I am joined by ten of my colleagues in introducing "The National Amusement Park Ride Safety Act of 1999." They include Reps. Miller (CA), Hoeffel (PA), Wexler (FL), Kucinich (OH), Lipinski (IL), Maloney (NY), Weiner (NY), DeLauro (NY), Neal (MA) and Waxman (CA). This bill will restore the ability of the Consumer Product Safety Commission (CPSC) to investigate serious accidents in amusement parks that offer rides, such as roller coasters, which are permanently fixed to the site. While the CPSC has the authority to investigate accidents that occur on rides that move from site to site, rides that are permanently fixed in theme parks are off limits. This bill would correct this anomaly by closing the "roller coaster loophole."

Roller coasters are, in general, quite safe. But in the course of just 6 days at the end of August, an unusual number of tragedies on amusement park rides highlighted the fact that when something goes wrong on these rides, the consequences can be catastrophic. Today's rides are huge metal machines capable of hurling the human body through space at forces that exceed the Space Shuttle and at speed that exceed 100 miles per hour. They are complex industrial-size mechanisms whose design, maintenance and operation can push the limits of physical tolerance even for patrons in peak condition, let alone members of the broad spectrum of the public who are invited to ride each day.

The fatalities at the end of August, which U.S. News & World Report termed "one of the most calamitous weeks in the history of America's amusement parks," included:

- August 22 -- a 12-year-old boy fell to his death after slipping through a harness on the Drop Zone ride at Paramount's Great America Theme Park in Santa Clara, California;
- August 23 -- a 20-year-old man died on the Shockwave roller coaster at Paramount King's Dominion theme park near Richmond, Virginia;
- August 28 -- a 39-year-old woman and her 8-year-old daughter were killed when their car slid backward down a 30-foot ascent and crashed into another car, injuring two others on the Wild Wonder roller coaster at Gillian's Wonderland Pier in Ocean City, New Jersey.

The Consumer Product Safety Act charges the CPSC with the responsibility to protect the public against unreasonable risks of injuries and deaths associated with consumer products. However, rides in "fixed locations" such as theme parks are currently entirely exempt from safety regulation by the CPSC. State oversight is good in some places, bad in others, and in some states, the state has also exempted "fixed locations" so that there is no federal or state regulatory body overseeing ride safety. The number of serious injuries on "fixed location" rides has risen dramatically from 1994 through 1998.

Why do we bar the Consumer Product Safety Commission (CPSC) from investigating accidents on roller coasters and from sharing that information with the rest of the country?

It makes no sense.

When a child is killed or injured on an amusement park ride, should the decision to investigate depend on whether the amusement park ride is "fixed" versus "mobile"?

Emergency-room injuries more than doubled in the last five years, yet the CPSC is prohibited from investigating any - not one-of those accidents, even when it involves a ride that may be in heavy use by

mobile carnivals or fairs.

According to the CPSC Chair, Ann Brown, "the current regulatory structure as it applies to fixed-site amusement park rides is not sufficient to protect against unreasonable risks of injuries or deaths caused by these rides."

She is right.

The accident statistics highlight the folly of granting an exemption from federal safety regulation to amusement park rides. Injuries are rising rapidly on the one category of amusement park rides that the CPSC is barred from overseeing. The manufacturer or owner of every other consumer product in America is required by law to inform the CPSC whenever it becomes aware that the product may pose a substantial risk of harm - but not the owners or operators of "fixed-site" rides in amusement parks.

Some in the industry argue that this legislation is unnecessary because the states or the industry itself can provide sufficient protection. This argument fails on two counts.

First, many states have simply failed to step in where the federal safety agency has been excluded. The CPSC reports that there is still no state-level inspection program in ALABAMA, ARIZONA; KANSAS, MASSACHUSETTS, MINNESOTA, MISSISSIPPI, MISSOURI, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, TEXAS, UTAH and VERMONT. In addition, FLORIDA exempts the big theme parks from state inspections, VIRGINIA relies on private inspections, and NEW YORK exempts New York City (which includes Coney Island.) CALIFORNIA had no state program until last month.

Second, states are not equipped and not inclined to act as a national clearinghouse of safety problems associated with particular rides or with operator or patron errors. That is a federal function. Yet the federal agency charged with the protection of the public against unreasonable risk of injury or death is currently, by law, forbidden from carrying out this important task.

I urge my colleagues to support this measured effort to close the loopholes and to ensure patrons of amusement parks that the level of protection afforded by law will no longer hinge on the question of whether the ride itself is "mobile" or "fixed."